

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

J.C.

Plaintiff

v.

Civil Action

No. 13-4066

FILED

MAY 14 2014

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

Nicholas James Ford, Pamela Pryor Dembe, :
Mary Politano, Steffen Boyd, Steven Austin, :
Charles Hoyt, Robert J. Malvesuto :
Defendants

**PLAINTIFF'S MOTION TO STRIKE AND DESTROY SCANDALOUS,
IMPERTINENT, ERRONEOUS, MATERIAL**

I. Introduction and Background.

As we know there was a completely meritless, malicious order issued on from here on March 28th. Specifically, 1 a. i, iii, which attempted to request alleged state court documents that indicated Victim's sentence, and "any other other necessary and/or helpful documentation". This is though even though it was known none of I would have any bearing whatsoever on anything in this case in front of us. As far as iii, that was also invalid because it did not request **actual evidence**. As a result on both counts, the offenders filed fully scandalous, impertinent, immaterial, defamatory, disparaging, erroneous, completely false, misleading, incomplete, in some cases doctored documents, that will be struck and destroyed or returned. It makes no difference that they are allegedly "sealed" for a short time in some purported file cabinet somewhere, before they are public record- in which I will file a suit to stop if I need to.

Some also contained sensitive irrelevant personal information in which Plaintiff has a federal and state privacy interest of like full social security numbers of Plaintiff. Nudelman did

not block out the first half of the number. It doesn't matter that it is allegedly in a file cabinet for a short while somewhere or not. Also, the Hipaa Act applies to both accurate health information and inaccurate information. Neither, Gene E.K. Pratter, Oleg Nudelman, or anyone else had no authorization from Plaintiff to violate Hipaa Act and release either accurate or inaccurate information and alleged health records to the public. In one instance, no ethics Nudelman filed a document which contained a Hipaa Act violation and **was already adjudicated so**. Now it is a second helping of Hipaa, and it will be the same consequence for all of this. It does not matter at all that it is alleged to be in a file cabinet somewhere temporarily, until it is released to the public. It also was on the public docket for at least three days, because Nudelman filed the documents on April 11th, the motion to seal was not granted until April 14th, so all of that false, defamatory, plus Hipaa violations, personal information like ssn, was on the docket and on pacer and could have been copied by anybody. Plaintiff's identity could be stolen now.

Nor did Nudelman have Plaintiff's consent to share any purported health records, accurate or inaccurate, Plaintiff's sensitive personal information mentioned above, to Martha Gale which he caused to affirm service to. Plaintiff has not given consent to anybody in this matter to do anything and there **will be** consequences. Absolutely nothing was relevant in this matter except for two exhibits which were actually evidence in the case. As already spoken about nothing else was actual evidence, nothing but more violations and reason why they were sued and there was irrelevant and erroneous health related information. And on top of that they tried to be slick and go outside the suit, it didn't help.

As we long have known, these claims and case in front of us is about First Amendment retaliation – a campaign of it, lack of due process, and other violations. It makes **no difference whether or not Plaintiff has a valid conviction**, in which we know he doesn't, **it makes no**

difference whether or not Plaintiff was correctly assigned to that unit, in which we know he wasn't, this is about acts that started with these offenders by Mark Maguire after he was served in February of 2012, and nothing else. No, this isn't complex to anybody isn't one-way, ultra biased, malicious, out of control, or that the same that represents these offenders and has intense mental issues such as pathological lying and delusion. Those are the two people that this is "complex" for- what a joke. Again, a million probation cases like this, never barred by anything. And as far as having a claim against the City for the original stuff, that is as simple as it can get, it does not confuse or complicate anything.

Plaintiff was going to sue the City because he was illegally convicted and confined for statutes that did not exist. He was also going to sue that what he said before Ford and the rest of the posse for **specific actions that were illegal, not legal, illegal** regardless of anything. Instead of filing two suits, spending twice the resources, expenses, time, energy, two separate appeals from disgraceful whitewashings, he chose to file one. Just like in the prior case, clearly Plaintiff could have filed two actions but did not for the same reasons, we would have had four cases instead of two¹. The fact that Mark Maguire criminal behavior committing perjury was the basis for one complaint filed with the other offenders, does not at all equate to the fact that Plaintiff should have filed it in the same suit, matter of fact it probably would have been better if it was separate. But low and behold, there was no "confusion" or "complexity", there why didn't you attempt that absurd argument in that case, which was actual much, much more complex than this one.

Implicit in Rule 19, and the Federal Rules of Civil Procedure in general, is the recognition that there are parallel interests shared by the courts and the public in "promoting trial

¹ Although we are going to have about 44 more, even more than planned just for making me go through all this.

convenience, expediting the settlement of disputes, and preventing multiple lawsuits” Field v. Volkswagenwerk, AG, 626 F.2d 293, 299 (3d Cir. 1980). In cases such as this, Plaintiff’s gift serves as a valuable judicial tool to relieve the courts and the parties from the burdens of multiple litigations and it advances judicial efficiency and economy.

You’re welcome.

Could not be more simpler, you can clearly see there are First Amendment and due process based claims. As you can easily see **this is not probation condition** challenge. Wow, just coincidentally, Plaintiff only factually starts his claims against these offenders on 2/12 **not 2006**, and has down claims for everything **that would be illegal, not legal, illegal**, in that time period. Wow what a coincidence, Plaintiff doesn’t have listed every single of the 250 times he reported prior to this, all the things connected to probation, prior to this time period, listing everything he had to go through. Wow, it’s just coincidently starting in 2/2012 after he served Maguire, on everything that would be illegal anyway. And the fact that Plaintiff doesn’t have number counts, means nothing, he **didn’t have them in the previous complaint either**, which was a lot more complex than this. Why didn’t you get “confused” then, huh? Also, for those who don’t have tunnel vision and blinders, **THE COMPLAINT WENT OUT OF ITS WAY TO STATE CLAIMS IN ITS BODY, FIRST AMENDMENT RETALATION, DUE PROCESS , ETC., ALONG WITH THE FACTS BEING RECOUNTED**. For the “confusion”, for making me go through all this, there is going to be even more suits in the future that I didn’t plan to come forward with, trying to cut everybody a break, but no. There is also a writ coming and other stuff as well.

II. **Striking, Destroying, Returning “Exhibits” In the Offender’s April 11th, 2014 Filing**

As mentioned only two of their exhibits are actual evidence in the matter. Again, it does not matter that these exhibits are allegedly in a file cabinet somewhere for a short time before they become public. **They were never supposed to be filed, under any circumstance,** and there are Hippa Act violations as well.

1. Exhibit E

This exhibit which is two parts, contains the completely scandalous, defamatory, irrelevant, immaterial, erroneous, purported pre sentence investigation and report. Plaintiff has talked extensively about this in his filings responding to this. Hippa Act pertains to both accurate and inaccurate health information. At no point did Plaintiff ever give consent to Gene E.K. Pratter or Oleg Nudelman to give up either accurate or false health related information of any kind. Also a cover page contains sensitive personal information that was not blacked out or redacted by no ethics Nudelman, like social security number, and others. As explained above and in prior filings, **it makes no difference whether or not Plaintiff was correctly assigned to that unit**, in which we know he wasn't. Exhibit E must be struck and destroyed. If not, I will be filing complaints against everybody, if that doesn't work I will file a lawsuit to achieve this, guess who would be named offenders in it?

2. Exhibit D, P, Q, I

These D,P, Q exhibits are the completely fraudulent and bogus documents labeled "summary sheets", which are not one ounce of evidence, rather they are part of the reason why they are being sued. As they stated on the text of the one inside of the complaint that was already in the complaint, it speaks for itself. Only one is inside the complaint, the other two are outside. There should be three but Ford had no plans on ever giving Plaintiff the one for the August 3rd, 2012 hearing, and also for the September 26th, 2012, not before or on that day. They don't

appear anywhere. Also we know Ford never had any plans on giving Plaintiff the one for August 14th, 2012, Victim showed up and had to plead with another one of those whatevers, still didn't get the "evidence" with it, Ford showed up later on and never knew Plaintiff had the "sheet" never offered it, was actually going to start the hearing without giving it up. One of the other two outside the suit already has a Hippa Act violation in it, that was **already adjudicated**, now it is a second Hippa violation. Once again Hippa applies to **both** accurate and inaccurate information. Plaintiff has given no consent to Gene Pratter or Oleg Nudelman or anyone else. Exhibit I consists of the "evidence" Plaintiff was never given, that purportedly went along with the August 14th, 2012, "summary sheet", suffers the same fate as the "summary sheet" it allegedly went along with, no actual evidence in this matter. The violations on paper called "summary sheets" and the "evidence" for one which is the same are completely false, scandalous, defamatory, irrelevant, immaterial, erroneous, incomplete and misleading, are not evidence in any way shape or form rather why the suit started and must be struck and destroyed.

Exhibit J, K, L

Exhibit J is an alleged warrant request form with a fictional "Frank Romeo" instead of Ford, what a joke, also Boyd's name. Exhibit K is a document purported to be the "hearing summary sheet" for this warrant request form. Exhibit L is supposed to be the removal sheet for the fully illegal and bogus warrant after Link put pressure on Ford and the offenders. Even taking J and K for Plaintiff, it's not needed, we already knew that the warrant was fully bogus and illegal right from the door via their own policies and procedures and it never was disputed that they followed procedure and issued an arrest warrant warning after the first what they allege to be absconding, like policy mandates. We also know to be fact that Plaintiff **missed zero appointments, not the two that is required to request a warrant, zero.** These three exhibits again have the same

problem as the above four, they aren't evidence all, they are violations on paper and completely false, scandalous, defamatory, irrelevant, immaterial, erroneous, incomplete and misleading, and doctored not to mention, are not evidence in any way shape or form rather why the suit started and must be struck and destroyed.

Exhibit M, N, O

Exhibit M they claim is notice of a August 3rd, 2012 bogus vop hearing which isn't one ounce of evidence, rather they are part of the reason why they are being sued. After already 20 violations and unlawful acts, Ford turned around and requested the bogus hearing and knew about it in early July, waited until July 30th, 2012, to put the postage on, then mailed it out later trying for it to reach Plaintiff after the hearing. Plaintiff has filed the actual evidence which is the envelope, again, this is not are not evidence in any way shape or form rather why the suit started. Exhibit N they claim is a form that Ford gave Plaintiff with a hearing date, August 14th, of what PLAINTIFF SCHEDULED HIMSELF. This isn't one ounce of evidence, rather they are part of the reason why they are being sued. Exhibit O is the "arrest warrant warning", which one ounce of evidence, rather they are part of the reason why they are being sued as Plaintiff explained this was mailed out in retaliation as he reported to when and where the card said, even called Ford left a message, stuck around for more than a hour, his attorney told him to go home through a text. The actual evidence on this violation has been filed, the report card signed by Ford to report to that room, on that day, Plaintiff found out that day it was canceled that day by showing up. These three exhibits again have the same problem they aren't evidence all, they are violations on paper and completely false, scandalous, defamatory, irrelevant, immaterial, erroneous, incomplete and misleading, , are not evidence in any way shape or form rather why the suit started and must be struck and destroyed.

Exhibit A,B, C, F

Exhibit A and B, are the same exact public record, public docket available in seconds to anyone, that they have **filed 15 times now** since the beginning of the case. They have filed some 13 times prior, starting with the claim against the City in last August. It was not needed to be filed at any point, it was and is the most public record easily available and as we know it is well established it is part of any federal case whether mentioned or attached or not. The only thing it shows was that Plaintiff was in fact convicted of three statutes that didn't exist something delusional and also biased and malicious people involved just don't want to concede. It is irrelevant to the claims, also no party has the right to file the same exhibit a million times, it is clearly redundant and that alone provides for striking in the language of Rule 12f, both exhibits should be struck and returned.

Exhibit C is the sentencing sheets that were signed by a judge and an excuse of a judge, they just show what the docket does, Plaintiff was convicted of statutes that didn't exist, and nothing else. This is immaterial to anything in this matter here, **no difference whether or not Plaintiff has a valid conviction**, in which he does not. They also contain sensitive information about Plaintiff such as d.o.b, and other unnecessary information. Exhibit C should be struck and returned. Exhibit F they allege is some type of probation "facesheet" that contains a little more than one page worth some sort of purported codes and statistical data none of which- again have anything to do with anything in this matter. And they submitted it twice. Exhibit F should be struck and returned.

Exhibit G and H

Exhibit G is a sheet that was given to Plaintiff at the start of probation that states his only special conditions are 235.50 in court costs, also that there is a grievance system in place to

consult with the supervisor and their supervisor, not that the latter was needed to be stated but it is in writing. Exhibit H is the policies and procedures of that unit encompassing this suit's time period. Both **are actual evidence** for this suit, and very important at that, as both especially H show what can and can't be done, and it proves in black and white Plaintiff's warrant was bogus from the get-go before one fact is introduced, and all of his urine tests were illegal before one fact is introduced, as well as more. However, Plaintiff has filed these two exhibits on the docket with his three previous motions and it will remain on the docket forever. Hence the only two proper exhibits that they filed are redundant, duplicative, and therefore wholly unnecessary, they should be struck and returned.

CONCLUSION

There were originally unlawful, biased and malicious orders, hey let's find out more about Jason, yea go ahead Mark Maguire Jr., here you go I'm waiting. Probably passed to Judge Nancy, and about a hundred others all illegally. Unfortunately, the information wasn't accurate, except for two exhibits, the "evidence" was nothing but the above and anything but evidence in this matter. Moreover, Hippa Act violations have occurred, whether or not the information is accurate. Sensitive personal information such as the correct full ssn, and others. Then the April 14th, filing had the audacity to suggest Plaintiff would want to put the above on the unsealed docket, where it was for at least three days and where it is scheduled to go, what you two want it to go in the future. Another disgrace. For every action there is an equal and opposite reaction.

All of the "exhibits" above, which are all that they filed are scandalous, impertinent, immaterial, defamatory, disparaging, erroneous, completely false, misleading, incomplete, in some cases doctored documents, and some that are redundant. They have no

bearing on anything, the actual evidence that is helpful in deciding facts and law, except for two documents, they steered clear from, what a coincidence, no actual evidence was submitted. What a shock. It makes no difference that they are allegedly “sealed” for a short time in some purported file cabinet somewhere, before they are public record- again, like they were for at least three days. My rights have been violated, including privacy and also related to Hippa, among other things. Rule 12(f) permits a court to “order stricken from any pleading any insufficient defense or any redundant, immaterial, impertinent, or scandalous matter.” See Fed. R. Civ. P. 12(f). I will not tolerate this at all, if exhibit E, D, P, Q, I are not struck and destroyed, I am filing complaints and if that does not work I am filing a lawsuit, and yes I will sue a delusional lawyer and a federal judge, with no problem.

J.C,Plaintiff
Box 934
Philadelphia, PA 19105

May 12th, 2014

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

	:	
	:	
J.C.		
Plaintiff	:	Civil Action
v.		No. 13-4066
Nicholas James Ford, et al	:	
Defendant		

PLAINTIFF'S NOTICE OF CAPTION ALTERATION

Due to numerous obvious reasons, including Plaintiff has had his federal and state privacy rights stripped this case caption and references to Plaintiff's name should be changed to J.C. from now on. Also any "orders" or other filings should refer to any purported or actual evaluation strictly as a unit evaluation, and any unit referred to as the probation unit or MH or health unit.

J.C., Plaintiff

Dated: May 12th, 2014

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

J.C	:	
	:	
Plaintiff	:	Civil Action
v.		No. 13-4066
Ford, et al	:	
		Defendant

CERTIFICATE OF SERVICE

I do hereby certify that service of a true and correct copy of Plaintiff's Notice Of Caption
Alteration and Motion To Strike And Destroy Scandalous, Impertinent, Erroneous, Material
has been served upon the following individuals by first class mail

Oleg W. Nudelman
1650 Market, 32nd Floor
Philadelphia, PA 19103

J.C. Plaintiff
Box 934
Philadelphia, PA 19105

Dated: May 19th, 2014